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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/668,407	09/23/2003	Todd Harbin	10669-0001	10669-0001 2038	
3490	7590 07/07/2004		EXAMINER		
DOUGLAS T. JOHNSON			HORTON, YVONNE MICHELE		
MILLER & M	IARTIN TEER BUILDING		ART UNIT	PAPER NUMBER	
832 GEORGIA AVENUE			3635		
CHATTANOOGA, TN 37402-2289			DATE MAILED: 07/07/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/668,407	HARBIN, TODD					
Office Action Summary	Examiner	Art Unit					
	Yvonne M. Horton	3635					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive to communication(s) filed on 23 Se	eptember 2003.						
2a) ☐ This action is <b>FINAL</b> . 2b) ☒ This							
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.					
Disposition of Claims							
4) ☐ Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) 1-14,16,17,19 and 20 is/are rejected. 7) ☒ Claim(s) 15 and 18 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or		·					
Application Papers							
9)☐ The specification is objected to by the Examiner	, •						
10)⊠ The drawing(s) filed on <u>23 September 2003</u> is/are: a) accepted or b)⊠ objected to by the Examiner.							
Applicant may not request that any objection to the o							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Exa	aminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori application from the International Bureau * See the attached detailed Office action for a list of	have been received. have been received in Application ty documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage					
Attachment(s)							
) Motice of References Cited (PTO-892) ) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
Notice of Draitsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date 9/23/03.	5) Notice of Informal Page 1997 Other:	atent Application (PTO-152)					

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#### **DETAILED ACTION**

### **Drawings**

New corrected drawings are required in this application because The drawing figures are not very clear. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "52" has been used to designate both "an outer face " and "an upper face". Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

# Claim Objections

Claim 3 is objected to because of the following informalities: There is no antecedent basis for "the J-channel" in line 7 of claim 3. Appropriate correction is required.

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### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,675,955 to CHAMPAGNE. CHAMPAGNE discloses the use of a J-channel connection (20) including a bridge (24) connecting an inner face (I) and an outer face (23); wherein the inner face (I) is substantially parallel to the outer face (23) to form a channel (CH), see the marked attachment. The outer face (23) also includes a cantilevered end (CE) spaced from the bridge (24). The J-channel connection (20) further includes a retainer (25) having a wall member (W) resiliently connected to an engagement tab (ET) such that the wall member is fixedly secured by spring action relative to the inner face (I), and the engagement tab (ET) is biased towards the cantilever end (CE) to capture and en (19) of a siding member (13), see also the marked attachment. Regarding claim 2, the cantilever end (CE) has an inwardly directed lip (L), see the marked attachment.

Claims 3-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Patent #5,675,955 to CHAMPAGNE. CHAMPAGNE discloses the use of a channel

connection (20) including a bridge (24) connecting an inner face (I) and an outer face

(23) to form a channel (CH), see the marked attachment. The outer face (23) also

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includes a cantilevered end (CE) spaced from the bridge (24). The J-channel connection (20) further includes a retainer (25) having a wall member (W) resiliently connected to an engagement tab (ET) and the engagement tab (ET) is biased towards the cantilever end (CE), see also the marked attachment. Regarding claim 4, the cantilever end (CE), see the marked attachment. In reference to claim 5, the inner face (I) is substantially parallel to the outer face (23). Regarding claims 6 and 7, the bridge (24) is perpendicular to both the inner (I) and outer (23) faces. In reference to claim, 8, the inner face (I) has a length that is greater than the outer face (23), see figure 10. Regarding claims 9 and 10, the wall member (W) is fixedly secured by spring action relative to the inner face (I) such that the wall member is parallel to the inner face (I). see figure 9. In reference to claim 10, the engagement tab (ET) is parallel to the wall member (W). Regarding claim 12, a shoulder (S) connects the engagement tab (ET) and the wall member (W). In reference to claim 13, a siding panel (13) has an inserted end (19) that is captured intermediate the engagement tab (ET) and the cantilever end (CE). Regarding claim 14, the outer face (23) includes an inwardly directed lip (L).

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,675,955 to CHAMPAGNE. CHAMPAGNE discloses the use of a J-channel connection (20) including a bridge (24) connecting an inner face (I) and an outer face (23); wherein the inner face (I) is substantially parallel to the outer face (23) to form a channel (CH), see the marked attachment. The outer face (23) also includes a cantilevered end (CE) spaced from the bridge (24). The J-channel connection (20) further includes a retainer (25) having a wall member (W) resiliently connected to an

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engagement tab (ET) such that the wall member is fixedly secured by spring action relative to the inner face (I), and the engagement tab (ET) is biased towards the cantilever end (CE) to capture and en (19) of a siding member (13) inserted intermediate the engagement tab (ET) and the cantilever end (CE), see also the marked attachment. Regarding claim 17, the siding panel (16) is inserted along an insertion plane that is intersected only by the siding panel (13).

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,675,955 to CHAMPAGNE. CHAMPAGNE discloses the basic claimed channel except for explicitly detailing the width of channel member and the width of the retainer and except for explicitly detailing that siding panel is movable relative to the retainer. In reference to claim 19, although CHAMPAGNE is silent with

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regards to the width of his members, it would have been an obvious matter of design choice to one having ordinary skill in the art to select the width to be suitable for the use intended. For instance, the width selected determines the stiffness of friction required for the snap fit wanted. A wider width provides more resilience and therefore has a stronger snap fit than a smaller width fit. Regarding claim 20, again CHAMPAGNE is silent with regards to movement of the members. Although CHAMPAGNE does not explicitly detail any movement, it too would have been obvious to one having ordinary skill in he art at the time the invention was made that doe to the fact that the siding panel is not secured with glue or fasteners to the retainer, movement can be accomplish between the two members.

## Allowable Subject Matter

Claims 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH 1 1 1 June 28, 2004